

Delio Batista, Carlos Lopez, Mariana Lopez, Rafaela Valiente vs Avant Assurance
Cortes, Reinier on 04/11/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-CV-22671-ALTONAGA/TORRES

DELIO BATISTA, CARLOS LOPEZ,
MARIANA LOPEZ, and RAFAELA VALIENTE,

Plaintiffs,

vs.

AVANT ASSURANCE INC., REINIER CORTES,
and ANDREA GONZALEZ QUINTERO,

Defendants.

_____ /

DEPOSITION OF REINIER CORTES

TAKEN ON BEHALF OF THE PLAINTIFFS

APRIL 11, 2023
10:04 A.M. TO 02:20 P.M.

ALL PARTIES APPEARED REMOTELY
PURSUANT TO
FLORIDA SUPREME COURT ORDER AOSC20-23

REPORTED BY:
ASHLEY CRAFT, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA

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APPEARANCES OF COUNSEL

ON BEHALF OF THE PLAINTIFFS:

TOUSSAINT CUMMINGS, ESQUIRE
FAIR LAW FIRM
135 SAN LORENZO AVENUE, SUITE 770
CORAL GABLES, FLORIDA 33156
(305) 230-4884
TOUSSAINT@FAIRLAWATTORNEY.COM
(REMOTELY VIA ZOOM)

ON BEHALF OF THE DEFENDANTS:

SANTIAGO CUETO, ESQUIRE
CUETO LAW GROUP
2100 PONCE DE LEON BOULEVARD, SUITE 1250
CORAL GABLES, FLORIDA 33134
(305) 777-0377
SC@CUETOLAWGROUP.COM
(REMOTELY VIA ZOOM)

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1 VIDEOTAPED DEPOSITION OF REINIER CORTES

2 APRIL 11, 2023

3 THE COURT REPORTER: Good morning. We are now
4 on the record. We are here today April 11th, 2023.
5 The time is approximately 10:04 a.m.

6 We are here for the video deposition of
7 Reinier Cortes in the matter of Delio Batista,
8 Carlos Lopez, Mariana Lopez, and Rafaela Valiente
9 vs. Avant Assurance Incorporated, Reinier Cortes
10 and Andrea Gonzalez Quintero. Case number for that
11 is 1:22-CV-22671-Altonaga-Torres.

12 The Court Reporter for today is Ashley Craft
13 with Universal Court Reporting.

14 Would Counsels please introduce themselves for
15 the record?

16 MR. CUMMINGS: Toussaint Cummings on behalf of
17 Plaintiffs.

18 MR. CUETO: Santiago Cueto on behalf of the
19 Defendants.

20 THE COURT REPORTER: Thank you, Counsel.
21 Thereupon:

22 REINIER CORTES
23 was called as a witness, and after having been first
24 duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 in Kendall, what do they do to start their day?

2 A I guess they will need to turn on their
3 devices in order to start getting calls.

4 Q What types of devices are you referring to?

5 A A computer.

6 Q What kind of computer did the sales agents use
7 back in 2020?

8 A So, we had desktop computers that were
9 available at the office, and some agents brought their
10 own laptops, so they could use either one or the other.

11 Q Now whether the agents brought their own
12 laptops or they were using a computer that was already
13 provided by Avant, was there a certain type of software
14 that the agents had to use?

15 A So, we have just like Uber, Uber manages a
16 platform. We have a platform for the leads.

17 Q What's the name of the platform?

18 A It's called Radius BOB.

19 Q R-A-D-I-U-S B-O-B?

20 A Yes, it's a CRM, yes.

21 Q All right. And is Radius BOB, is that a
22 program that is licensed from that company?

23 A Licensed meaning?

24 Q Yeah. Do you have to lease that software or
25 do you just pay for it once?

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1 Q And Rafaela Valiente, did she ever sign an
2 independent contractor agreement with Avant Assurance?

3 A I wouldn't know.

4 Q And even though Delio Batista, Rafaela
5 Valiente, Carlos Lopez and Mariana Lopez did not sign
6 independent contractor agreements or you're not sure if
7 they did you still considered them independent
8 contractors?

9 A Yes.

10 Q Okay. Why is that?

11 A That was their request.

12 Q When did they make that request?

13 A In multiple occasions.

14 Q Did they make that request directly to you?

15 A Yes.

16 Q Did they make that request in writing?

17 A They did.

18 Q And in writing, was that through an e-mail?

19 A Yes.

20 Q Do you know if you've sent any of those

21 e-mails where they requested to be independent

22 contractors over to us or my law firm?

23 A I'm not sure.

24 Q Do you still have access to those e-mails
25 where the Plaintiffs are requesting to be considered

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1 Q If an agent had a dispute about the amount of
2 money they received, who would they make that complaint
3 to at Avant?

4 A To me.

5 Q And do you keep a record of all of the
6 payments, the commission payments that you make to all
7 of the agents?

8 A Yes.

9 Q How do you keep that record?

10 A In an excel form.

11 Q And as far as you know, have you already
12 turned over all of the payments that were made to the
13 Plaintiffs' in this case?

14 A Yeah, I believe so. The ones that we have.

15 Q Now, you said that you keep it in a -- in an
16 excel form, is that right?

17 A Correct.

18 Q Okay. So, explain that process to me. When
19 you receive payment from an insurance company, do you
20 look to see which agent sold that particular policy?

21 A That is correct.

22 Q Okay. Now, once you find out which agent
23 sold -- well, how do you know which agent sold the
24 policy?

25 A The CRM.

1 Q So, you go on the Radius and the Radius tells
2 you which agent sold that policy?

3 A Exactly.

4 Q Okay. So, let's just use Ambetter as an
5 example. Ambetter sends Avant Assurance a policy
6 through what, e-mail or through regular mail?

7 A A policy?

8 Q Yeah.

9 A They don't send the policy to us.

10 Q What do they sent just payment?

11 A A commission statement.

12 Q Commission statement. Okay.

13 A Similar to the one that you saw that we had
14 sent to the -- to your clients.

15 Q How do you receive that commission statement,
16 is that through e-mail?

17 A No, they post it in their portal, it's in an
18 Excel form.

19 Q Okay. All right. So, now does the -- so, the
20 statement doesn't say the commission statement from the
21 insurance company does not say which one of Avant's
22 agents sold the policy, right?

23 A It's going to have an agent's name attached to
24 the policy but it's not necessarily the agent who sold
25 the policy.

1 Q What is an NPN?

2 A National Producing Number.

3 Q All right. What does it identified though?

4 A An agent.

5 Q Does the commission statement have a NPN on
6 it?

7 A In some cases.

8 Q How would the insurance company know the NPN
9 for an agent?

10 A That's public record. Just like your license
11 might be public record.

12 Q Okay. Are -- does each agent that works for
13 Avant have their own NPN?

14 A Yes.

15 Q Do you have an NPN?

16 A Yes.

17 Q All right. Now, you previously mentioned that
18 the agent that sold the policy may not be the agent
19 who's on the commission statement, is that what you
20 said?

21 A That is correct.

22 Q How would that happen?

23 A Because I will be the one in the -- as the
24 agent of record for the company.

25 Q So, sometimes your name is on the commission

1 statement for a policy?

2 A For the most part, it should be my name.

3 Q All right. Now, once you get a commission
4 statement, what do you do with it, from an insurance
5 company?

6 A I pay all the agents.

7 Q So, just walk me through that step by step.
8 You get a commission statement the commission statement
9 has a customer's name on it?

10 A Yes.

11 Q Okay. That customer's name then you reference
12 that back through Radius?

13 A Correct.

14 Q And then how do you pay the agents, is that
15 just a check or is that through direct deposit?

16 A Mostly it would have been direct deposit. It
17 could be that one of them received a check once or
18 twice, yeah or even a Zelle payment.

19 Q And how long of a delay is there between when
20 you get a commission statement back and when you issued
21 a check out to the agent?

22 A It's a couple days for the most part.

23 Q All right. Now, aside from commission, do
24 agents earn any other type of compensation that you know
25 like you would consider a salary or like an hourly